

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.17372 of 2004

Between:

A.L. Reddy S/o Venkata Rama Narsimha Reddy
Thorrur Depot, Warangal District

..... PETITIONER

AND

The Depot Manager, APSRTC., Thorrur Depot, Warangal District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondent herein to pay notional increments pursuant to the award published in G.O.Rt. No. 152 dt 31-1-1996 by declaring the same as illegal and arbitrary and contrary to the law declared in the decisions reported in 2001(2) A.L.D. Page 180 (DB) and 2001(2) A.L. D. Page 92(D.B).

Counsel for the Petitioner :MR.M.SUBBA REDDY, Advocate

Counsel for the Respondent. SMT.P.RAJANI REDDY, Advocate

The Court at the stage of admission made the following :

ORDER:

The petitioner is a Conductor in the respondent-Corporation. He was removed from service on 23-01-1993 and reinstated on 02-12-1995. Though an award dated 2-12-1995, the Industrial Tribunal directed the respondent to reinstate the petitioner without back wages but with continuity of service. Though the petitioner was reinstated, his grievance is that the respondent is not giving him the benefit of continuity of service. Therefore, he approached this Court seeking a direction to the respondent to work out the notional increments for the period during which he was out of service, and to fix his pay according to the rules. The Industrial Tribunal also directed that there shall be stoppage of two increments to the petitioner without cumulative affect.

The petitioner worked as a conductor and his reinstatement is not disputed. He is claiming the benefit of continuity of service for the period he was out of service i.e., from the date of removal till the date of reinstatement. In the light of the judgment of a Division Bench of this Court in W.A.No.945 of 2004 preferred against the W.P.No.2424 of 2003, the petitioner is entitled for the benefit and continuity of service and he is entitled for notional increments. Since this is not a case of unauthorized absence and as it is a case of ticket irregularity, the judgment of the Supreme Court in **A.P.S.R.T.C AND ANOTHER v. S. NARASA GOUD** is not applicable to the facts of this case. The respondent is therefore, directed to extend the benefit of notional increment to the petitioner from the date of removal till the date of reinstatement i.e., 23-1-1993 to 02-12-1995 and on the basis of those notional increments to fix the pay of the petitioner for the period subsequent to the date of his reinstatement.

Accordingly, the Writ Petition is allowed. No order as to costs.

28th September, 2004.

Mrb

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the Eighteenth day of September, Two thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Depot Manager, APSRTC., Thorrur Depot, Warangal District
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